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DOROTHY J. FITCHNER  
RECORDER  
MUSCATINE CO.

fee \$46<sup>00</sup>

*Chg & return T. Mealy*

Prepared

By: Terrence L. Mealy, 301 E. 2nd, Muscatine IA 52761; 319-263-0804

SHAMROCK DEVELOPMENT, INC.

#### DECLARATION OF COVENANTS

The undersigned being the Developer of the following described real estate situated in the County of Muscatine, and State of Iowa, to-wit:

See Exhibit "A"

do hereby establish and declare the following covenants to run with the land which shall hereafter be applicable to all of said lots and shall be binding upon the undersigned, and upon its grantees, successors and assigns, so long as the same remain in effect:

#### Article I. Definitions

Section 1. For the purposes hereof, words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "building" includes the word "structure"; and the word "shall" is always mandatory.

Section 2. For the purposes hereof, certain words and phrases are defined as follows:

a. "Basement" means a story having not more than one-half of its height above finished grade.

b. "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons or of animals and other personalty of any kind.

c. "Dwelling" means any building or portion thereof which is designed for and used exclusively for residential purposes.

d. "Family" means one or more persons living as a single housekeeping unit, whether or not related to each other by birth or marriage.

e. "Frontage" means the property fronting on one side of a road or street measured along the line of such road or street.

f. "Living area" means that area of any dwelling which is generally used for and occupied by a family and may include areas partially below finished grade but shall exclude the basement.

g. "Lot" means one of the lots hereinafter particularly described.

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by the vote of the lot owners.

Article XIX. Remedies

Section 1. In the event of the violation of any covenant herein contained while the same remains in effect, any owner or owners may prosecute any proceedings at law or in equity either to prevent such violation or to recover damages therefor.

Article XX. Annexation

As part of these Restrictive Covenants of this Subdivision, the developer hereby grants a covenant running with the land that in the event that the City of Muscatine should commence proceedings to annex the property described above and any lots in the Subdivision as platted, the owners of the lots at such time shall join in and consent to the annexation of their real estate into the City of Muscatine and by virtue of accepting title to said real estate, the present owner and subsequent owners hereby consent to the then Mayor of the City of Muscatine signing any and all documents on their behalf in connection with the annexation to the City of Muscatine including but not limited to receipt for notices, consents, and any other documents which will assist in such annexation.

Dated at Muscatine, Iowa, this 7th day of January 2000.

SHAMROCK DEVELOPMENT INC.

BY

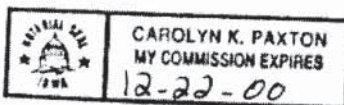
Joseph Hagerty President

BY

M. Wayne Johanson Secretary

STATE OF IOWA, MUSCATINE COUNTY, SS:

On this 7th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Hagerty and M. Wayne Johanson to me personally known, who being duly sworn, did say that they are the President and Secretary respectively, of said corporation; that no seal has been procured by said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Joseph Hagerty and M. Wayne Johanson as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Carolyn K. Paxton  
Notary Public in and for the State of Iowa

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EXHIBIT "A"

Lots 1 through 10 of Irish Ivy Subdivision being a Re-Plat of Lot 3 in Kleindolph Subdivision located in part of the Southwest Quarter of Section 30, Township 77 North, Range 1 West of the 5th Principal Meridian, Muscatine County, Iowa.



**RESOLUTION NO.** 87273-0599

**A RESOLUTION APPROVING THE FINAL PLAT FOR THE  
IRISH IVY SUBDIVISION OFF HIGHWAY 22 EAST  
IN THE COUNTY OF MUSCATINE, IOWA**

**WHEREAS**, there has been filed with the Planning and Zoning Commission of the City of Muscatine, Iowa, and there is now submitted to the City Council of said City, a Final Plat of the following-described real estate situated within two miles of the Corporate Limits of the City of Muscatine, County of Muscatine, State of Iowa, to-wit:

A parcel of land being a re-plat of Lot 3 in Kleindolph Subdivision located in part of the Southwest Quarter of Section 30, Township 77 North, Range 1 West of the 5<sup>th</sup> Principal Meridian, Muscatine County, Iowa. (See Attached Plat Map).

which Plat lays out and subdivides the above-described tract of real estate into ten (10) lots within two (2) miles of the present corporate limits of the City of Muscatine, Iowa; and

**WHEREAS**, said Plat has been approved by the Planning and Zoning Commission and the Muscatine County Zoning Commission and has been examined by the City Council of the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine, Iowa, finds that the Plat fully complies with the Statutes of the State of Iowa and the Ordinances of the City of Muscatine, Iowa, relative to plats, additions, and subdivisions within two miles of the Corporate Limits of the City of Muscatine, Iowa, and said Plat is conducive to an orderly development of the City of Muscatine, Iowa, and not in conflict with the rights-of-way of any extension of any streets or alleys now established; and


**WHEREAS**, the City Council of the City of Muscatine, Iowa, finds that the Final Plat of Irish Ivy Subdivision should be approved.

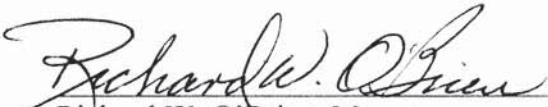
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA**, that said Plat named and designated Final Plat of Irish Ivy Subdivision be and hereby is approved and accepted by the City Council of the City of Muscatine, Iowa, and the Mayor and City Clerk of the City of Muscatine, Iowa, be, and they are hereby authorized and directed to certify upon said Plat the examination, consent, approval, and acceptance of the same by the City Council of the City of Muscatine, Iowa, in order that said Plat may be recorded in the Office of the County Recorder among the real estate records of Muscatine County, Iowa.

**PASSED, APPROVED, AND ADOPTED** this 20<sup>th</sup> day of May, 1999.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

Attest:

  
A. J. Johnson, City Clerk

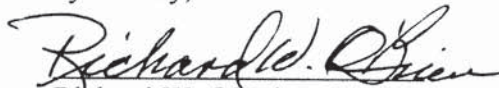
  
Richard W. O'Brien, Mayor

**CERTIFICATE OF ACCEPTANCE OF PLAT  
IRISH IVY SUBDIVISION  
TO MUSCATINE COUNTY, IOWA**

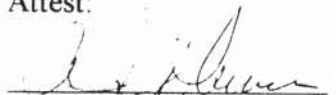
STATE OF IOWA, MUSCATINE COUNTY, ss:

We, the undersigned, Richard W. O'Brien, Mayor, and A. J. Johnson, City Clerk, of the City of Muscatine, Iowa, do hereby certify that the attached plat named and designated "Irish Ivy Subdivision" in Muscatine County, Iowa, was on the 20th day of May, 1999; filed in the office of the City Clerk and presented to City Council of the City of Muscatine, Iowa, by resolution, a true copy of which is hereto attached, marked Exhibit "A", and by this reference made a part hereof, and we, the undersigned, as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa, were by said Resolution duly directed to certify such examination, consent and approval in order to entitle said plat to be recorded in the office of the County Recorder of Muscatine County, Iowa, among the real estate records of Muscatine County, Iowa.

Dated at Muscatine, Iowa, this 20th day of May, 1999.

  
Richard W. O'Brien, Mayor

Attest:

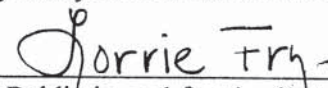
  
A. J. Johnson, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss:

Be It Remembered that on this 24th day of May, 1999, before me, a Notary Public in and for the State of Iowa, personally appeared Richard W. O'Brien and A. J. Johnson, to me personally known, who, being by me each duly sworn, did say that they are Mayor and City Clerk of the City of Muscatine, Iowa, respectively, and that the seal affixed to the foregoing instrument is the seal of the City of Muscatine, Iowa; that said instrument was signed and sealed on behalf of the City of Muscatine, Iowa, in accordance with a Resolution passed by the City Council of the City of Muscatine, State of Iowa, at a regular meeting of said City Council held on the 6th day of May, 1999; that Richard W. O'Brien and A. J. Johnson, as Mayor and City Clerk of the City of Muscatine, Iowa, respectively, severally acknowledged the execution of said instrument to be the voluntary act and deed of the City of Muscatine, Iowa, by it and them voluntarily executed.

Witness my hand and Notarial Seal by the day and year last above written.



  
Notary Public in and for the State of Iowa



IRISH-IVY SUBDIVISION

